

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

EMMANUEL DIONNE CHEATHAM,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70104

FILED

APR 18 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of robbery with the use of a deadly weapon, victim 60 years of age or older.¹ Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Appellant Emmanuel Dionne Cheatham claims his due process rights were violated because his counsel waived his presence at the preliminary hearing without his knowledge.² Cheatham did not expressly preserve this issue when he pleaded guilty and, thus, he waived his right to raise this issue on appeal. See NRS 174.035(3); *Webb v. State*, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975) (the entry of a guilty plea

¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

²To the extent Cheatham claims his counsel was ineffective for waiving his presence at the preliminary hearing, this claim is improperly raised on direct appeal and must be raised in the first instance by filing a postconviction petition for a writ of habeas corpus in the district court in compliance with NRS Chapter 34. See NRS 34.810(1); *Pellegrini v. State*, 117 Nev. 860, 883, 34 P.3d 519, 5344 (2001).

generally waives any right to appeal from events occurring prior to the entry of the plea). We therefore decline to consider this claim, and we

ORDER the judgment of conviction AFFIRMED.

Silver, C.J.
Silver

Tao, J.
Tao

Gibbons, J.
Gibbons

cc: Hon. Douglas W. Herndon, District Judge
Leslie A. Park
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk